

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

ORDER GRANTING IN PART PLAINTIFF'S MOTION FOR 406(b) FEES

Pending is Plaintiff's Motion for attorney fees under section 206(b), 42 U.S.C. § 406(b) (Doc. # 16). Previously this Court entered an Order granting Plaintiff's application for attorney fees under the EAJA, 28 U.S.C. § 2412, in the amount of \$2,518.93. Pursuant to the fee agreement in this case, Plaintiff's counsel now seeks payment of 25% of the past-due benefits, or \$8,483.50. Plaintiff seeks this award for 14.4 hours of work, at an equivalent rate of \$589.13 per hour. Defendant does not object to the amount of the request but notes that the Court is empowered to review the amount for reasonableness in light of *Grisbrecht v. Barnhart*, 535 U.S. 789 (2002).

The Court concludes the hourly rate Plaintiff seeks is too high for this type of work. Accordingly, the Court grants Plaintiff's counsel's motion in part. The Court orders an award of \$350 per hour for 14.4 hours of attorney time for a total of \$5,040 made payable to Roger M. Driskell. Because Plaintiff's counsel previously received an award of \$2,518.93 under the EAJA, he is ordered to refund this smaller amount to Plaintiff.

IT IS SO ORDERED.

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT

DATE: May 21, 2014